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700 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

Telephone: 412-471-8815 Facsimile: 412-471-4094

E-mail: [webblaw@webblaw.com](mailto:webblaw@webblaw.com)**FACSIMILE INFORMATION SHEET**Name of Individual: Office of PetitionsCompany: Commissioner for PatentsCity and State: Alexandria, VAFacsimile Number: 571-273-8300From: John W. McIlvaineTotal Number of Pages: 8 (including Information Sheet)Date Transmitted: August 11, 2008Application Serial No. 10/528,954Atty. Docket No.: 4587-048041

Message:

Dear Sir or Madam:

Please find attached Petition for Revival of an Application for Patent Abandoned Unintentionally and accompanying documents re **Application Serial No. 10/528,954**.

Regards,  
John W. McIlvaine

If you do not receive all pages, please call back as soon as possible. The number is (412) 471-8815.

**STATEMENT OF CONFIDENTIALITY**

The information in this facsimile is privileged and confidential and is intended only for the use of the named recipient. Disclosure or copying of this document or its contents other than by the named recipient is prohibited. If this document is received in error, it should be returned to sender.

If there are any reception problems, please call 412-471-8815.

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PTO/SB/64 (08-08)

Approved for use through 08/31/2008. OMB 0851-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)  
4587-048041

First named inventor: Mirko Lehmann

Application No.: 10/528,954

Art Unit: 1797

Filed: March 22, 2005

Examiner: Janet Lore Ramillano

Title: Device for the Detection of at Least One Ligand Contained in a Sample that is to be Analyzed

Attention: Office of Petitions  
**Mail Stop Petition**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
FAX (571) 273-8300NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1540 (37 CFR 1.17(m))**2. Reply and/or fee**A. The reply and/or fee to the above-noted Office action in  
the form of Petition to Withdraw Holding of Abandonment (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ 300 08/12/2008 PCHOMP 00000020 230650 10528954  
☐ has been paid previously on \_\_\_\_\_ 01-FC:1453 1540.00 DA  
☒ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to  
complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any  
comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer,  
U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED  
FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

AUG 11 2008

PTO/SB/84 (08-08)

Approved for use through 08/31/2008. OMB 0851-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

## WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
 Signature

August 11, 2008

Date

John W. McIlvaine

Typed or printed name

34,219

Registration Number, if applicable

The Webb Law Firm

Address

412-471-8815

Telephone Number

436 Seventh Ave., 700 Koppers Bldg., Pgh., PA 15219

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Copy MPEP 1306.01; copy Fee Transmittal FY 2008; copy Part B-Fee(s) Trans

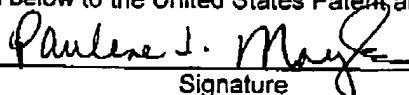
## CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

August 11, 2008

Date

  
 Signature

Pauline J. Moyles

Typed or printed name of person signing certificate

Application No. 10/528,954  
Paper Dated: August 11, 2008  
In Reply to USPTO Correspondence of July 16, 2008  
Attorney Docket No. 4587-048041

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/528,954 Confirmation No. 9156  
Applicant : MIRKO LEHMANN  
Filed : March 22, 2005  
Title : DEVICE FOR THE DETECTION OF AT LEAST  
ONE LIGAND CONTAINED IN A SAMPLE THAT  
IS TO BE ANALYZED  
Group Art Unit : 1797  
Examiner : Janet Lore Ramillano  
Customer No. : 28289

**VIA FACSIMILE NO.: 571-273-8300**

ATTN: Office of Petitions  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Sir or Madam:

When electronically filing Part - B Fee(s) Transmittal on May 30, 2008, the undersigned's assistant accidentally overlooked the selection of the Publication Fee on the e-form. Therefore, a Notice of Abandonment was mailed because the Publication Fee was not paid on the e-form.

I hereby certify that this correspondence is being sent **VIA FACSIMILE**  
to Commissioner for Patents, Office of Petitions on August 11, 2008.

08/11/2008  
Date

  
Signature

Pauline J. Moyles

Typed Name of Person Signing Certificate

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Application No. 10/528,954  
Paper Dated: August 11, 2008  
In Reply to USPTO Correspondence of July 16, 2008  
Attorney Docket No. 4587-048041

However, we believe the Notice of Abandonment was erroneously sent pursuant to MPEP 1306.01 (copy attached) and a previously e-filed Fee Transmittal for FY 2008 (copy attached) for Notice of Appeal regarding the above-referenced application. Additionally, a copy of Part B - Fee(s) Transmittal is attached in which part 4a. Publication Fee was marked with an "x".

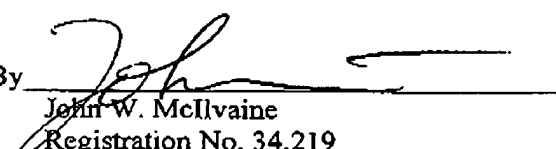
Applicant clearly intended to pay the Publication Fee. Furthermore, from the previously filed Fee Transmittal, you will see that we had given our general authorization to pay fees, prior to the mailing of the Notice of Allowance. According to USPTO regulations, this is deemed as standing authorization to make payment of the correct issue fee from the Deposit Account. 37 CFR 1.311(b). Thus, Applicant requests that the Publication Fee of \$300 be charged to our Deposit Account No. 23-0650 and the Notice of Abandonment be withdrawn.

In the event it is determined that the Notice of Abandonment was not sent in error, please charge our Deposit Account No. 23-0650 in the amount of \$1,840 for the Petition Fee (\$1,540) for large entity and Publication Fee (\$300) in the above application and withdraw the Notice of Abandonment.

Respectfully submitted,

THE WEBB LAW FIRM

By

  
John W. McIlvaine  
Registration No. 34,219  
Attorney for Applicant  
436 Seventh Avenue  
700 Koppers Building  
Pittsburgh, PA 15219  
Telephone: (412) 471-8815  
Facsimile: (412) 471-4094  
E-mail: [webblaw@webblaw.com](mailto:webblaw@webblaw.com)

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**1306.01**

**MANUAL OF PATENT EXAMINING PROCEDURE**

CFR 1.18 which are in effect as of the date of submission of payment of the fees(s), the amount due at the time the fee(s) are paid may differ from the amount indicated on the Notice of Allowance. Accordingly, applicants are encouraged, at the time of submitting payment of the fees(s), to determine whether the amount of the issue fee due or any required publication fee has changed to avoid the patent lapsing for failure to pay the balance of the issue fee due (37 CFR 1.317) or becoming abandoned for failure to pay the publication fee. The amounts due under 35 U.S.C. 41(a) (i.e., the issue fee, but not the publication fee) are reduced by 50 per centum for small entities.

Applicants and their attorneys or agents are urged to use the Fee(s) Transmittal form (PTOL-85B) provided with the Notice of Allowance when submitting their payments. Unless otherwise directed, all post allowance correspondence should be addressed "Mail Stop Issue Fee."

Where it is clear that an applicant actually intends to pay the issue fee and required publication fee, but the proper fee payment is not made, for example, an incorrect issue fee amount is supplied, or a PTOL-85B Fee(s) Transmittal form is filed without payment of the issue fee, a general authorization to pay fees or a specific authorization to pay the issue fee, submitted prior to the mailing of a notice of allowance, will be allowed to act as payment of the correct issue fee. 37 CFR 1.311(b). In addition, where the deposit account information is added to the Fee(s) Transmittal form (PTOL-85B), but the check box authorizing that the deposit account be charged the issue fee is not checked, the deposit account will still be charged the required issue fee and any required publication fee.

Technology Center personnel should forward all post allowance correspondence to the Office of Initial Patent Examination (OIPE). The papers received by the OIPE will be scanned and matched with the appropriate application and the entire application will be forwarded to the appropriate Technology Center for processing.

The payment of the issue fee due may be simplified by using a U.S. Patent and Trademark Office Deposit Account or a credit card payment with form PTO-2038 for such a fee. See MPEP § 509. However, any such payment must be specifically authorized by ref-

erence to the "issue fee" or "fees due under 37 CFR 1.18."

The fee(s) due will be accepted from the applicant, assignee, or a registered attorney or agent, either of record or under 37 CFR 1.34\*.

The Director has no authority to extend the time for paying the issue fee. Intentional failure to pay the issue fee within the 3 months permitted by 35 U.S.C. 151 does not amount to unavoidable or unintentional delay in making payment.

**1306.01 Deferring Issuance of a Patent [R-5]**

*37 CFR 1.314. Issuance of patent.*

If applicant timely pays the issue fee, the Office will issue the patent in regular course unless the application is withdrawn from issue (§ 1.313) or the Office defers issuance of the patent. To request that the Office defer issuance of a patent, applicant must file a petition under this section including the fee set forth in § 1.17(h) and a showing of good and sufficient reasons why it is necessary to defer issuance of the patent.

There is a public policy that the patent will issue in regular course once the issue fee is timely paid. 37 CFR 1.314. It has been the policy of the U.S. Patent and Trademark Office to defer issuance of a patent, upon request, for a period of up to 1 month only, in the absence of extraordinary circumstances or requirement of the regulations (e.g., 37 CFR 1.177) which would dictate a longer period. Situations like negotiation of licenses, time for filing in foreign countries, collection of data for filing a continuation-in-part application, or a desire for simultaneous issuance of related applications are not considered to amount to extraordinary circumstances.

A petition to defer issuance of a patent is not appropriate until the issue fee is paid. Issuance of a patent cannot be deferred after an allowed application receives a patent number and issue date unless the application is withdrawn from issue under 37 CFR 1.313(b) or (c). The petition to defer is considered at the time the petition is correlated with the application file before the appropriate deciding official (MPEP § 1002.02(b)). In order to facilitate consideration of a petition for deferment of issue, the petition should be firmly attached to the \*\*>Fee(s)< Transmittal form (PTOL-85B) and clearly labeled as a Petition to Defer Issue; Attention: Office of Petitions.

AUG-11-2008 12:18

THE WEBB LAW FIRM

AUG 11 2008

P.07

<p><i>Effective on 12/08/2004.</i> <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i></p> <p><b>FEE TRANSMITTAL</b> <b>For FY 2008</b></p>		<p><i>Complete if Known</i></p>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/528,954
		Filing Date	3/22/2005
		First Named Inventor	Mirko Lehmann
		Examiner Name	Lore Janet Ramillano
		Art Unit	1797
TOTAL AMOUNT OF PAYMENT		(\$ 510.00)	
		Attorney Docket	4587 - 048041

**METHOD OF PAYMENT** (check all that apply)

☐ Check 
 ☒ Credit Card 
 ☐ Money Order 
 ☐ None 
 ☐ Other (please identify): \_\_\_\_\_

☒ Deposit Account Deposit Account Number: 23-0650 Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below 
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 
 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on FTO-4036.

**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)

**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	
Utility	310	75	510	255	210	105	
Design	210	105	100	50	130	65	
Plant	210	105	310	155	160	80	
Reissue	310	155	510	255	620	310	
Provisional	210	105	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	210	105
Multiple dependent claims	370	185

**Total Claims** - 20 or HP = 20 Extra Claims Fee (\$)0 Fee Paid (\$)0

HP = highest number of total claims paid for, if greater than 20.

**Inden. Claims** - 3 or HP = 1 Extra Claims Fee (\$)0 Fee Paid (\$)0

HP = highest number of independent claims paid for, if greater than 3.

**3. APPLICATION SIZE FEE**

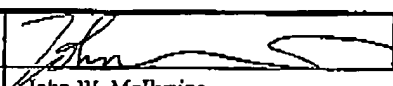
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
<u>          </u> - 100 = <u>          </u> / 50 = <u>          </u> (round up to a whole number) x <u>          </u> = <u>          </u>				

**4. OTHER FEE(S)**

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Notice of Appeal fee under 37 CFR 41.20(b)(1)	\$510.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	34,219	Telephone	412-471-8815
Name (Print/Type)	John W. McIlvaine	Date	February 21, 2008		

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (571)-273-2885

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**AUG 11 2008**

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

7590

03/19/2008

John W McIlvaine  
Webb Ziesenheim Logsdon Orkin & Hanson  
436 Seventh Avenue  
700 Koppers Building  
Pittsburgh, PA 15219-1818

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Pauline J. Moyles	(Depositor's name)
<i>Pauline J. Moyles</i>	(Signature)
May 30, 2008	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,954	03/22/2005	Mirko Lehmann	4587-048041	9156

TITLE OF INVENTION: DEVICE FOR THE DETECTION OF AT LEAST ONE LIGAND CONTAINED IN A SAMPLE THAT IS TO BE ANALYZED

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUB FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	06/19/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
RAMILLANO, LORE JANET	1797	422-082110

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. The Webb Law Firm  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh, PA 15219-1845  
3.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Micronas Holding GmbH

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Freiburg, Germany

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

## 4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 10

## 4b. Payment of Fee(s): (Please first recopy any previously paid issue fee shown above)

- ☐ A check is enclosed.  
☒ Payment by credit card. Form PTO-2038 is attached.  
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

*John W. McIlvaine*

Date May 30, 2008

Typed or printed name John W. McIlvaine

Registration No. 34,219

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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